

PROB 12C
(7/93)

United States District Court
for
District of New Jersey
Superseding Petition for Violation of Supervised Release
(submitted September 7, 2006)

Name of Offender: Al-Khabir Diggs

Cr.: 05-00301-001

Name of Sentencing Judicial Officer: Honorable Faith S. Hochberg, U.S. District Judge

Date of Original Sentence: 02/08/06

Original Offense: Conspiracy to Steal Government Funds

Original Sentence: time served; 2 years supervised release; \$100 special assessment. Special condition of cooperation in the collection of DNA.

Type of Supervision: Supervised Release

Date Supervision Commenced: 02/08/06

Assistant U.S. Attorney: Eric Jaso, AUSA

Defense Attorney: Michael Calabro, Esq.

PETITIONING THE COURT

[X] To issue a warrant and docket Superseding Probation Form 12C, replacing the Probation Form 12C filed on July 26, 2006.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
-------------------------	--------------------------------

1	The offender has violated the supervision condition which states ' You shall not commit another federal, state, or local crime. '
---	--

On March 14, 2006, Diggs was arrested by the Montclair Police Department and issued a complaint charging him with receiving stolen property. On April 19, 2006, the charge was administratively dismissed within New Jersey Superior Court, Essex County. At the time of the arrest, Diggs was operating a motor vehicle with a suspended driver's license. A search of the automobile revealed a quantity of stolen checks. The offender had \$461 on his person when arrested.

2	The offender has violated the supervision condition which states ' You shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer. '
---	--

Diggs failed to notify the undersigned Probation Officer about the March 14, 2006 arrest within the allotted time period.

3	The offender has violated the supervision condition which states ' You shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer. '
---	--

On March 7, 2006, during an interview with the undersigned Probation Officer, Diggs stated that he did not unlawfully operate a vehicle with a suspended driver's license. However, during a subsequent interview on May 8, 2006, he acknowledged driving his Lexus automobile to the probation office on March 7, 2006.

- 4 The offender has violated the supervision condition which states '**You shall report to the probation officer as directed by the Court or probation officer, and shall submit a truthful and complete written report within the first five days of each month.**'

The offender failed to report to the probation office on July 18, 2006. In addition, Diggs failed to submit a monthly written report for June 2006 within the allotted time period.

- 5 The offender has violated the supervision condition which states '**The defendant shall reside for a period of 2 months in a community corrections center, halfway house or similar residential facility and shall observe all the rules of that facility. The defendant shall be eligible for weekend privileges. The defendant shall pay subsistence as required by the program.**'

On June 20, 2006, Diggs began the community confinement sanction within The Kintock Group in Newark, New Jersey. However, on July 10, 2006, as a result of numerous disciplinary infractions, he was discharged as a "program failure."

6. The offender has violated the supervision condition which states '**You shall not commit another federal, state, or local crime.**'

On September 6, 2006, the United States Postal Inspector's Service reported Diggs has engaged in new criminal activity and is being investigated for charges similar to the offense of conviction; Bank Fraud. An inspector will testify to the criminal behavior.

7. The offender has violated the supervision condition which states '**You shall report to the probation officer as directed by the Court or probation officer, and shall submit a truthful and complete written report within the first five days of each month.**'

The offender failed to report to the probation office on August 15, 2006, and September 5, 2006. In addition, he has failed to submit a monthly written report since May 2006.

I declare under penalty of perjury that the foregoing is true and correct.

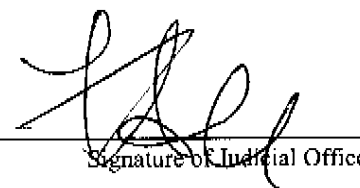


By: Joseph Empirio
U.S. Probation Officer

Date: 09/07/06

THE COURT ORDERS:

- ☒ The Issuance of a Warrant, and docket a Superseding Probation Form 12C, replacing Probation Form 12C filed on July 26, 2006.
☐ No Action
☐ Other


 Signature of Judicial Officer
 9/11/06
 Date